

651
1548

Harris County
SCHOOL LAND.

54/388
SOLD TO
Wm Holden

160 8-29-01
Acres.
Accepted by Graz \$300
Charles P. Survey No.

According to a certified copy of
Judgment of the District Court of
Harris County in Surveyors' Explanation &
Sketch filed therein, showing the position or
location of the A. Lawson, C. 26; W. Waters, 3-19;
E. Harbour, 3-159; and M. James, 3-16 surveys
according to the calls in the field notes of said A.
Lawson survey for the S.E. corner of the Hugh
Patterson survey, (as abandoned) there is no space
or vacancy for the Wm. Holden
(Detached) survey - 10/21/16 Clark.
ACT FEBRUARY 23, 1900.

On Harris Co. 64 Tract Bracken
otherwise correct on map of
Harris Co. Aug. 19/1901.
Nov. 13/1901
Dec. 11/1901

M&L
Wm Holden Reg. ed. 11/1901
Vol 25
Led 54/388

43 Smith's Map 1-14-31

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- 8 & 9. Deed
- Patent to Original 12/14/01
10. Sketch

Charles Rogan
Leon
Patented 12/13/01. Wicker
No 107 Vol 22.

\$480.00 paid on this account
Available \$480.00 Perma \$480.00
10/21/1916 tract

\$500 Repd 12/3/01

by Wm. Holden
Cert issued and mailed
Houston 10/21/1916
Patent No. 107 Vol 22 returned
and canceled for the reason
the land is held by others, superior
and valid claims. 10/21/16

10/5/00
Prop. Sale

APPLICATION FOR A SURVEY TO BE MADE UNDER CHAPTER XI, PAGE 29, ACT
OF THE FIRST CALLED SESSION OF THE 26th LEGISLATURE, APPROVED
FEBRUARY 23, 1900.

To WM Bradburn, Esq., County Surveyor of Harris County, Texas:

You will please survey for me, and at my expense, under Chapter
XI, page 29, Act of the First Called Session of the Twenty-sixth
Legislature, approved February 23, 1900, the following described land.

towit: Situated in Harris County, Texas, about 18 miles Northwest
from the county site, and bounded as follows:

On the North by the W H York and M James surveys; on the East
by Washington County R R Co, survey No 11, on the South by the G W
Eaton survey and on the West by vacant land, and containing about 160
acres of land.

I solemnly swear that I reside in Harris county, Texas, that my po
post office address is Fairbanks, Texas; that I desire to have said
land surveyed with the intention of purchasing the same, and that I
am not acting in collusion with nor attempting to acquire said land
for any other person.

I further swear that I have a preference right to purchase said
land under Section 7 of said Act, for the following reasons;

1. This application is filed within six months from and after
said Act took effect;

2. That there are 160 acres of land, or less in said tract.

3. That I was an actual settler upon said land on the ^{1st} ~~23rd~~ day
of January 1900,

4. That I settled upon said land and had the same surveyed
under the homestead donation laws prior to May 23rd 1898 and on WX
towit: July 22 and 23rd 1897.

5. Because I cannot procure a patent to said land under the pro-
visions of said Act, because the County Surveyor of Harris County
neglected to return and file the field notes of said homestead do-
nation survey in the General Land Office

nation survey in the General Land Office prior to the 23rd day of May 1898.

I further swear that no other person has a preference right over me either under Section five (5) or seven (7) of the Act approved February 23, 1900, to purchase the above described tract of land, as far as I am informed and believe.

..... *W. M. ^{his} Holder*
Mark Applicant.

P.O...Fairbanks, Texas.

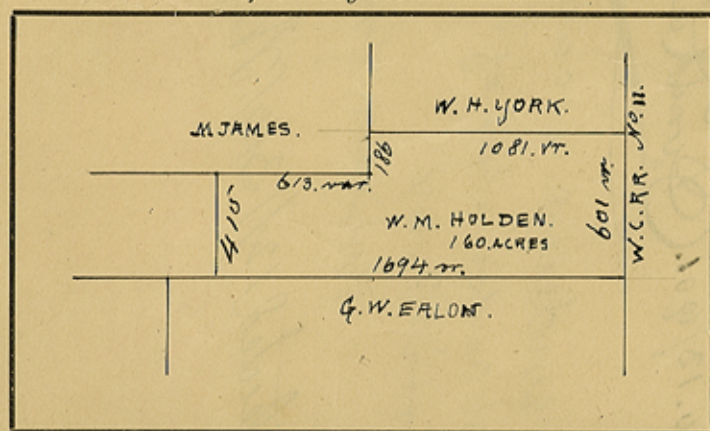
Subscribed and sworn to before me, this 23rd day of July 1900, and I hereby officially certify that, with the exception of the field notes, I carefully read aloud to said applicant and for his benefit the contents of the foregoing application and affidavit.

W. F. Carothers
Notary public in and for
Harris county, Texas.

I, Wm Bradburn, County Surveyor of Harris county, Texas, hereby certify that the above and foregoing application was filed for record on the 23rd day of July, 1900 and recorded in Vol 5 on page 74. in my office in Houston, Texas.

..... *W. F. Bradburn*
County Surveyor Harris County

Plat of Survey No.



The State of Texas,

Harris County, Survey No.
 or District, Blk.

FIELD NOTES of a survey of 160
 acres of land made for W. M. Holden

Variation 8,30

his affidavit and application

before W. F. Carruthers - Notary Public on the 23 day
 of July 1900, and filed with the Surveyor of Harris County or Land
 District, on the 23rd day of July 1900, under Act of First Called Session of the
 Twenty-Sixth Legislature, approved February 23, 1900, providing for the sale of unsurveyed land. Said land is
 situated in Harris County, about 17 miles N. 38 W. from County site,
 and known as survey No. in block No. BEGINNING AT The North

East Corner of the G. W. Eaton Survey, a post oak stake
in the prairie. Thence North 601 varas to a stake in
prairie for corner on the South line of the W. H. York
Thence West 1081 var., along the South line of the York
to its S.W. corner, a stake in the East line of the M. James
Survey. Thence South 156 varas the S.E. corner of the James
Thence West along the South line of the James 613 varas
to a stake for corner. Thence South 415. var., to a stake in north
line of G. W. Eaton Survey. Thence East with same 1694⁰⁰ to the place of beginning.

Bearings marked (Prains).

Surveyed July 23rd 1900

Nat. Hebert
W. A. Ellis

Chain Carriers

I, _____, Surveyor of _____
 Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that
 the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing
 Plat and Field Notes, just as I found them on the ground; and that they are recorded in my office in Book _____,
 Page _____

This _____ day of _____ 1900

Surveyor of _____ Texas.

I, S. D. Hanna, Deputy Surveyor of Harris County
 Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that
 the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing
 Plat and Field Notes, just as I found them on the ground.

This 23rd day of July 1900

S. D. Hanna
 Deputy Surveyor of Harris Co., Texas.

\$1.00 filing fee for G. L. O.

Surveyor of

they were made on the ground as stated in the above certificate, and that they are recorded in my office in

一

267



day of

Very much

1902

Surveyor of

FIELD NOTES.

Survey No. _____, _____ County.

Made for

I, Wm. Bradburn
Surveyor of

County Surveyor, Harris County.

do solemnly swear that the land included within the limits of the within field notes is properly and correctly classified as follows, viz :

Soil. *poor Sandy*
(State Character.)

Dry *francis* Agricultural.
(Dry or Watered.)

dry *juv.* Grazing
(Dry or Watered.)

None Timber.
(Dry or Watered, and Kind of Timber.)

And that said land is reasonably worth
\$ 1.00 per acre, and that the timber

on said land is reasonably worth \$ 1000000
per acre 1000000

W. B. Smith Surveyor.

Sworn to and subscribed before me this the
28 day of August 1900

W. F. Carothers

Notary Public - N. C.

Approved and filed **FILING FEE PAID**

August 29 1901
AUG 30 1900

Charles Hogan
SNO. T. HARRIS, REC'D. Commissioner.

GENERAL LAND OFFICE
MAYERCK-CLARK LITHO CO., SAN ANTONIO.

MAVERICK-CLARK LITHO CO., SAN ANTONIO.

General Land Office

CHARLES ROGAN, Commissioner
J. J. TERRELL, Chief Clerk.

State of Texas

Austin,

8/7/1901.

County Surveyor, Harris County,

Houston, Texas.

Dear Sir:--Mr. W. M. Holden's application to the County Surveyor of Harris County, covering the survey of a tract of land under the act of 1900, together with the field notes rendered in accordance therewith, calling for survey No. -, Block-, 160 acres, has been received, examined and action in the matter suspended for the following corrections and information: The County Surveyor should furnish a certified sketch showing how the lines and corners of all the adjacent surveys were identified. This information should ~~xxx~~ be sent immediately, and when corresponding with this office in regard to the matter hereto please refer to School File No. 65I, Harris County.

Very respectfully,

S.F.No. 65I, Harris Co.
Hutchins.

Charles Rogan
Commissioner.

Mr. W. M. Holden, Fairbanks, Texas.

46 Houston Aug 10th 1901 For your information: (Carbon Copy).

I. William Bradburn, County Surveyor of Harris Co. do hereby Certify- That the above Survey was made five or six years ago by W. A. Poek County Surveyor of Harris County & a Certified Copy of the the same furnished Wm Holden. & Holden paid Poek filing fees for General Land Office for which he holds receipt- but said Poek failed to Record same in his office, or find filing fees to General Land Office- That said Holden is now trying to obtain what legally should have belonged to him six years ago- That all adjoining Surveys are well established and recognized corners. And same does not conflict with any other Survey

W. B. Bradburn County Surveyor, Harris County

$2\frac{1}{2}$

File

File *SH 51*

Harris County.

School Land

W. M. Holden
Surveyor's Letter

Filed 8/21/1907

Filed 8/12/1901.
Charles Rogan,
Carr.

H. Glusby Clerk

FOR THE INFORMATION OF THE

Intophis, 681, Huxia G.

Wm. H. & Co., 123 N. 4th St., St. Louis, Mo.

Please see
in S.F. 651-
8/19/00

Verba sapientia

1902
 Dehon
 address.

with this office in regard to the matter hereto referred for to School
this information should exist be kept immediately, and any corresponding
information for the lines and others of all the adjacent schools were identified.
information; The County Auditor should furnish a certified check to
and copies in the matter suspended for the following corrections and

CONDUCT SURVEYOR? HERE IS CONDUCT

8/1/8
1021/8

Application and Affidavit to Purchase Detached and Isolated Lands

UNDER ACT APPROVED FEBRUARY 23, 1900.

To the Commissioner of the General Land Office, Austin, Texas:

I hereby apply to purchase under Chapter XI, page 29, Act of the First Called Session of the Twenty-Sixth Legislature, approved February 23, 1900, the following described land, situated in Harris County, Texas, about Twelve miles North West from the county site, known as survey number (S.F. #651) and surveyed for W. M. Holden on the 23rd day of July 1900, and more particularly described as follows:

BEGINNING Lying between the G. W. Eaton Survey on the South and the W. H. York and M. James on the North, beginning at an Oak Stake on the prairie, being the N. E. Corner of the G. W. Eaton Survey - Thence with the West line of W. C. R. R. Survey No. 11, North 601 varas to a stake in the South line of the W. H. York Survey. Thence with the South Line thereof West 1081 varas to a stake in the East line of the M. James Survey. Thence South 186 varas to the S. E. Corner of the said James. Thence with the South line of the James, West 613 varas to a stake for corner. Thence South 415 varas to a stake in the North line of the G. W. Eaton Thence East 1694 varas to the Beginning.

containing 160 acres; said land being classified as Grazing and appraised at Three Dollars per acre, which I agree to pay in cash, at the State Treasury in Austin, Texas. For the purpose of complying with the law regulating the sale of said land, I hereby make and subscribe to the following oath, to-wit:

I W. M. Holden do solemnly swear that I have this day forwarded to the State Treasurer at Austin, Texas, the sum of \$480.⁰⁰ in full payment for said land; that I am buying the same for my own use, and that I am not acting in collusion with or attempting to acquire said land for any other person, and that I am twenty-one years of age, and not a married woman.

(Signed) W. M. Holden ^{his mark} Applicant.

Subscribed and sworn to before me, this Eighth (8) day of November 1901.

C. W. Stahl
Notary Public
Harris Co., Texas.

MAYERICK-CLARKE LITHO CO., SAN ANTONIO.

INDEX VOL. ALPHABETICALLY

to the Commissioner of the General Land Office, Washington.

I hereby apply to purchase under Chapter XI, page 29, Act of the 11th College

Comma, Texas, about

On the ...

8

5651 (3)

Letter No. 8191

Date of Note

Nov 29-01 P. O. Houston

Acres

1600

TREASURER'S OFFICE,

No. 27597

@ \$

300 per acre.

AUSTIN, TEXAS,

Dec 2 1901

Received of

on account of

the sum of

Four hundred eighty & 00/100

DOLLARS,

the same being first payment and accrued interest on former account forfeited, on

Section

Block No.

Certificate No.

Grantee

PUBLIC FREE SCHOOL LANDS, situated

in

County,

sold under an Act approved April 16, 1895, and amendments thereto.

Interest.

Principal.

Total.

ORIGINAL

J. M. Robbins
Treasurer.

10/2/01

\$651

4

Harris
H. M. Holden
Dea. R. C.
12-3/01
Charles Bogart
Cadm

Jas. W. Hutchinson
Clerk

TREASURER'S OFFICE

No. 512021

ORIGINAL

PUBLIC FREE SCHOOL FUND, approved April 16, 1892, and amendments thereto

Certificate No. ...

DOIT

Handwritten signature

16
397

Thomas W. Ewing, et al.

No.58,154 vs

R. T. Pickette, et al.

On this the 13th. day of September, 1915, the above entitled and numbered cause came on to be heard, and the Plaintiffs appeared by their attorneys and announced ready for trial, the defendants, R.T. Pickette, Mary E. Scannell, J.F.Scannell, F.A.Gossman, R.G. Boone, Minor Stewart, Sunset Realty Company, Richard Rodgers, Trustee and Sam Dearing, appeared by their attorneys and announced ready for trial, and the defendants C.E. Jones, Mattie Brader, J. Reymer-shoffer and L. Zbranek, although duly and personally served with citations herein more than ten days before the first day of this term of Court, came not, but wholly made default, and thereupon the Plaintiffs dismissed Toney Brader as a defendant herein and the defendants, F.A.Gossman, R. G. Boone and Minor Stewart dismissed from their cross bill as defendants thereto, Tony Brader, Alvis Kirmayer, Sam Dearing, George E. Frazen, Bertram E. Stafford and Edwin E. Slosson, and no jury having been demanded, the issues of facts as well as of law were submitted to the Court and the Court having heard the evidence and the arguments of counsel, and being fully advised herein, finds that the land in controversy herein is located on the ground as contended for by the Plaintiffs; It is therefore considered by the Court, ordered adjudged and decreed that the Plaintiffs, Thomas W. Ewing, Charles D.Ewing, Cherry Ewing Bell, joined by her husband Henry Bell, Athol L. Ewing and John S. Ewing, do have and recover of and from the defendants R.T.Pickette Mary E. Scannell, J.F. Scannell, C.E. Jones, Mattie Brader, J. Reymer-shoffer, F.A. Gossman, R. G. Boone, Minor Stewart, Sunset Realty Company, Richard Rodgers, Trustee, Sam Dearing and L. Zbranek, defendants the title and possession of the tract of land sued for by plaintiffs herein, together with all costs incurred by plaintiffs herein, which said tract of land is situated in Harris County, Texas, and was patented by the Republic of Texas to Madison James by Patent dated June 5,

157 AS

ed by the Republic of Texas to Madison James by Patent dated June 5,
said tract of land is situated in Harris County, Texas, and was patent-
herein, together with all costs incurred by plaintiffs herein, which
the title and possession of the tract of land sued for by plaintiffs
pany, Richard Rogers, Trustee, Sam Dearinger and L. Sprank, defendants
Shaffer, T.A. Gosman, R. G. Boone, Minor Stewart, Sunset Realty Com-
Mary E. Sennell, J.T. Sennell, G.E. Jones, Mattie Brader, J. Reymers-
B. Ewing, do have and recover of and from the defendants R.T. Fickette
Ewing Bell, joined by her husband Henry Bell, Athol A. Ewing and John
decree that the Plaintiffs, Thomas W. Ewing, Charles D. Ewing, Cherry
tiffs; It is therefore considered by the Court, ordered adjudged and
versy herein is located on the ground as contended for by the Plain-
counsel, and being fully advised herein, finds that the land in contro-
the Court and the Court having heard the evidence and the arguments of
been demanded, the issues of facts as well as of law were submitted to
Frasen, Bertram E. Stafford and Edwin E. Slosson, and no jury having
fendants thereto, Tony Brader, Alvin Kirmayer, Sam Dearinger, George E.
R. G. Boone and Minor Stewart dismissed from their cross bill as de-
missed Tony Brader as a defendant herein and the defendants, T.A. Gosman,
came not, but wholly made default, and thereupon the Plaintiffs dis-
in more than ten days before the first day of this term of Court,
and L. Sprank, although duly and personally served with citations here-
trial, and the defendants G.E. Jones, Mattie Brader, J. Reymershoffer
Sam Dearinger, appeared by their attorneys and announced ready for
Minor Stewart, Sunset Realty Company, Richard Rogers, Trustee and
Fickette, Mary E. Sennell, J.T. Sennell, T.A. Gosman, R.G. Boone,
their attorneys and announced ready for trial, the defendants, R.T.
numbered case came on to be heard, and the Plaintiffs appeared by
On this the 13th day of September, 1915, the above entitled and

Thomas W. Ewing, et al.

No. 58, 154 vs

R. T. Fickette, et al.

1844, recorded in Vol. T page 381 of the Deed Records of Harris County, Texas, in which patent said land is described as follows;

Being 320 acres of land situated and described as follows; In Harris County, on the headwaters of White Oak Bayou, about 16 miles Northwest from the City of Houston, and East and adjoining Thomas Vickary's survey

Beginning for the first corner at the southeast corner of said Thomas Vickary's survey at a stake on the North boundary line of said George Eaton's survey;

Thence North 1251.7 varas with the east boundary line of said Thomas Vickary's survey to his Northeast corner, a stake and mound in the prairie for the second corner;

Thence East 1444 varas to a stake and mound in the prairie for the third corner;

Thence south 1251.7 varas to a stake and mound in the prairie on the North boundary line of the said George Eaton's survey for the fourth corner;

Thence West 1444 varas with the North boundary line of said Eaton's survey to the place of beginning.

which said tract of land is actually located and situated upon the ground as follows;

Beginning at a stake on the North line of said George W. Eaton survey which is at a point six thousand five hundred eighty eight (6,588) varas North of White Oak Bayou and four thousand one hundred twenty nine (4,129) varas west of the West line of the West Montgomery County Road;

Thence East (crossing graded County Road at three hundred and five (305) varas) Four Hundred (400) varas in all, to a stake same being the southeast corner of this survey, and from which the railroad Water Tank at North Houston bears south 70-1/2 deg. East.

Thence North one thousand two hundred fifty one and seven tenths (1,251.7) varas to a stake, same being the Northeast corner of this survey;

Thence West one thousand four hundred forty-four (1444) varas to a

1844, recorded in Vol. 7 page 381 of the Deed Records of Harris County, Texas, in which patent said land is described as follows:

Being 320 acres of land situated and described as follows: In Harris County, on the northeastern of White Oak Bayou, about 15 miles Northwest from the City of Houston, and east and adjoining Thomas Vickary's survey

Beginning for the first corner at the southeast corner of said Thomas Vickary's survey at a stake on the North boundary line of said George Eaton's survey;

Thence North 125.1.7 varies with the east boundary line of said Thomas Vickary's survey to his Northeast corner, a stake and mound in the prairie for the second corner;

Thence East 1444 varies to a stake and mound in the prairie for the third corner;

Thence South 1251.7 varies to a stake and mound in the prairie on the North boundary line of the said George Eaton's survey for the fourth corner;

Thence West 1444 varies with the North boundary line of said Eaton's survey to the place of beginning.

Which said tract of land is actually located and situated upon the ground as follows:

Beginning at a stake on the North line of said George W. Eaton survey which is at a point six thousand five hundred eighty eight (6,588) varies North of White Oak Bayou and four thousand one hundred twenty nine (4,129) varies west of the West line of the West Montgomery County Road;

Thence East (crossing graded County Road at three hundred and five (305) varies) Four hundred (400) varies in all, to a stake same being the southeast corner of this survey, and from which the railroad Water Tank at North Houston bears south 70-1/2 deg. East.

Thence North one thousand two hundred fifty one and seven tenths (1,251.7) varies to a stake, same being the Northeast corner of this survey;

Thence West one thousand four hundred forty-four (1444) varies to a

stake, the same being the Northwest corner of this survey and the Northeast corner of the Thomas Vickary survey (now known as the Elijah Harbour survey)

Thence south twelve hundred fifty one and seven tenths (1251.7) varas with the east boundary line of said Vickary (or Harbour) survey to a stake on the North line of said George W. Eaton survey, same being the southwest corner of the Madison James survey, and the southeast corner of the Vickary (or Harbour) survey, and

Thence East one thousand and forty four (1044) varas to the place of beginning.

It is further ordered, adjudged and decreed that the defendants, F.A. Gossman, R.G. Boone and Minor Stewart do have and recover on their cross bill herein of and from all of the other parties to this suit, the title and possession of the Elijah Harbour survey in Harris County, Texas, and situated and located upon the ground as follows, viz;

Beginning at a stake, same being the southwest corner of the Madison James survey on the North boundary line of the George W. Eaton survey and running

Thence west along said North boundary line of said George W. Eaton survey one thousand four hundred and forty four (1444) varas to a stake, same being also the southeast corner of the William Waters survey;

Thence North with the East boundary line of said Waters survey, twelve hundred fifty one and seven tenths (1251.7) varas to a stake, same being the northeast corner of said Waters survey, in the south line of the W. H. York survey;

Thence east along said south line of said York survey, one thousand four hundred and forty four (1444) varas to the Northwest corner of said Madison James survey;

Thence south along the West boundary line of said James survey twelve hundred fifty one and seven tenths (1251.7) varas to the place of beginning, for which they may have their writ of possession.

stake, the same being the Northwest corner of this survey and the North-
east corner of the Thomas Vickary survey (now known as the Elgin Har-
bour survey)

Thence south twelve hundred fifty one and seven tenths (1251.7)
varas with the east boundary line of said Vickary (or Harbour) survey
to a stake on the North line of said George W. Eaton survey, same being
the southwest corner of the Madison James survey, and the southeast
corner of the Vickary (or Harbour) survey, and
Thence East one thousand and forty four (1044) varas to the place
of beginning.

It is further ordered, adjudged and decreed that the defendants,
T. A. Gosman, R. G. Boone and Minor Stewart do have and recover on
their cross bill herein of and from all of the other parties to this
suit, the title and possession of the Elgin Harbour survey in Harris
County, Texas, and situated and located upon the ground as follows,
viz:

Beginning at a stake, same being the southwest corner of the Madison
James survey on the North boundary line of the George W. Eaton survey
and running
Thence west along said North boundary line of said George W. Eaton
survey one thousand four hundred and forty four (1444) varas to a
stake, same being also the southeast corner of the William Waters
survey;

Thence North with the East boundary line of said Waters survey,
twelve hundred fifty one and seven tenths (1251.7) varas to a stake,
same being the northeast corner of said Waters survey, in the south
line of the W. H. York survey;
Thence east along said North line of said York survey, one thousand
four hundred and forty four (1444) varas to the Northwest corner of said
Madison James survey;

Thence south along the West boundary line of said James survey
twelve hundred fifty one and seven tenths (1251.7) varas to the place
of beginning, for which they may have their writ of possession.

It is further considered by the Court, ordered, adjudged and decreed that the land owned by the defendant, R.T. Pickette is located and situated on the ground as follows;

Beginning in the south line of the said York survey at a sassafras post, same being the Northeast corner of said James survey;

Thence North six hundred and fifty six (656) varas to the North line of the York survey, being also the south line of the Childress survey;

Thence West and along ^{said North Line of} said York survey, being also the south line of said Childress survey, one thousand seven hundred twenty two and one half (1722-1/2) varas to a stake;

Thence south six hundred and fifty six (656) varas to the south line of the York survey, being also the North line of the Vickary (or Harbour) survey, and

Thence East along the south line of the York survey, being also the North line of the Vickary (or Harbour) and James surveys one thousand seven hundred twenty two and one half (1722-1/2) varas to the place of beginning.

The State of Texas;

County of Harris;

I, O. M. Duolos, Clerk District Court Harris County, Texas do hereby certify that the above and foregoing is a true and correct copy of the Decree in Cause No. 58,154 entitled Thomas W. Ewing et al vs R.T. Pickette et al, as the same appears of record in my office in Vol. 16 page 397 et seq of the Minutes of the District Court of Harris County for the 55th. Judicial District of Texas.

Given under my hand and seal of said Court at office in Houston, Harris County, Texas this the 14th. day of March, A.D. 1916.



O. M. Duolos
Clerk District Court Harris County, Texas

By

A. J. Robinson
p3

Deputy.

五

STATE OF WYOMING,
COUNTY OF LARAMIE.

BEFORE ME, the undersigned authority, on
this day personally appeared Mary E. Scannell, who being duly
sworn, deposes and says:

My name is Mary E. Scannell; I am the wife
of J. F. Scannell, and I am the present owner of the
W. M. Holden Patent No. 107, Vol. 22, which Survey is located
in Harris County, Texas, and is the same property described
in the Deed from my husband J. F. Scannell to me on February
9th, 1904, which is duly recorded in the Deed Records of Harris
County, Texas, Vol. 162, page 243; it being the same property
described in the Patent issued to W. M. Holden on December 13,
1901, and recorded in the Deed Records of Harris County, Texas,
on the 23rd day of January, 1902, in Vol. 135, page 213, to
both of which instruments reference is here made for all pur-
poses; that the title to said land was divested out of me by
virtue of a decree of the District Court of Harris County,
Texas, 55th Judicial District, in a cause numbered on the docket
of said court, 55154, and styled Thomas W. Ewing, et al, versus
R. T. Pickette, et al, which decree will be found recorded in
the Clerk of the District Court's Office of Harris County, Texas,
in Vol. 16, page 397, et seq of the Minutes of the District
Court of Harris County, Texas, for the 55th Judicial District
of Texas, which decree was rendered on the 13th day of December,
1915.

Mary E. Scannell

Sworn to and subscribed before me, the under-
signed authority, on this the 9th day of ^{October}~~September~~, A. D. 1916.

Ruth H. Kingham
NOTARY PUBLIC IN AND FOR LARAMIE COUNTY,
WYOMING.





NOTARY PUBLIC IN AND FOR LARAMIE COUNTY,
WYOMING.

signed authority, on this the 9th day of September, A. D. 1910.

Sworn to and subscribed before me, the under-

1910.

of Texas, which decree was rendered on the 13th day of December, Court of Harris County, Texas, for the 25th Judicial District in Vol. 16, page 397, et seq of the Minutes of the District the Clerk of the District Court, a Office of Harris County, Texas, R. T. Pickette, et al, which decrees will be found recorded in of said court, 25124, and styled Thomas W. Ewing, et al, versus Texas, 25th Judicial District, in a cause numbered on the docket virtue of a decree of the District Court of Harris County,

poses; that the title to said land was divested out of me by

both of which instruments reference is here made for all pur-

on the 23rd day of January, 1908, in Vol. 135, page 213, to

1901, and recorded in the Deed Records of Harris County, Texas,

described in the Patent issued to W. M. Holden on December 13,

County, Texas, Vol. 168, page 543; it being the same property

25th, 1904, which is duly recorded in the Deed Records of Harris

in the Deed from my husband J. E. Gennell to me on February

in Harris County, Texas, and is the same property described

M. M. Holden Patent No. 107, Vol. 28, which Survey is located

J. E. Gennell, and I am the present owner of the

My name is Mary E. Gennell; I am the wife

sworn, depose and say:

this day personally appeared Mary E. Gennell, who being duly

BEFORE ME, the undersigned authority, on

COUNTY OF LARAMIE.

STATE OF WYOMING.

54651

7

Aff. of Ownership

Filed Oct 20, 1916

J. H. Robinson
Com

STATE OF TEXAS, }

COUNTY OF HARRIS.

KNOW ALL MEN BY THESE PRESENTS:

THAT We, W. M. Holden and Carrie Holden, his wife,of the County of Harris, in the State aforesaidfor and in consideration of the sum of Nine hundred & Sixty Dollars (\$960.)by J. F. Scannell DOLLARS, to us in hand paidand secured to be paid, as follows: Five hundred & sixty dollars (\$560.)

Cash, the receipt of which is hereby acknowledged and the remainder of

Four hundred Dollars due and payable on or before November, 1st., 1902, as is evidenced by a certain promisory note for \$400. made by the said J. F. Scannell, secured by a Deed of Trust on the below described land due and payable on or before November, 1st., 1902, with interest at the rate of 8% per annum

have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said

J. F. Scannell,of the County of Bastrop in the State of Texas,

all that certain tract, parcel or piece of land, situated in Harris Co., Texas located about 12 miles North West from the City of Houston, lying between the G. W. Eaton survey on the South and the W.H. York and M. James Surveys on the North and described by metes and bounds as follows: Beginning at an oak stake on the prairie, being the N.E. corner of the G.W. Eaton survey Thence with the West line of W.C.R.R. Survey No. II, North 60I varas to a stake in the South line of the W.H. York Survey; Thence with the South Line thereof West 108I varas to a stake in the East line of the M. James Survey. Thence South 186 varas to the S.E. corner of the said James. Thence with the South line of the James, West 613 varas to a stake for corner. Thence South 415 varas to a stake in the North line of the G.W. Eaton; Thence East 1694 varas to the place of beginning, containing One hundred & sixty (160) acres of land; surveyed for us on the 11th., day of August, A.D. 1900, by Wm. Bradburn, County Surveyor of Harris Co., Texas and filed in his office, in Book K Page 267.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto the said J. F. Scannell, his

heirs and assigns forever. And ~~we~~ ^{we} do hereby bind ourselves and our heirs ~~heirs~~, executors and administrators, to warrant and forever defend, all and singular, the said premises unto the said J. F. Scannell, his

heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof. Vendors Lien Reserved.

WITNESS our hands at Houston, Texas, this 18th.,

day of December, A. D. 1901

Signed and Delivered in Presence of

Witnesses
Wm. Holden }
O. M. Tudor
C. W. Hahl

his mark
W. M. Holden
Carrie Holden

JOINT ACKNOWLEDGMENT.

STATE OF TEXAS, }
COUNTY OF HARRIS BEFORE ME C. W. Hahl, a Notary Public,

in and for Harris, County, Texas, on this day personally appeared
W. M. Holden and Carrie Holden,
wife of the said W.M. Holden, known to me

to be the persons whose names are subscribed to the foregoing instrument, and
acknowledged to me that they executed the same for the purposes and consideration therein expressed. And
the said Carrie Holden,
wife of the said W. M. Holden,
having been examined by me privily and apart from her husband, and having the same by me fully explained
to her, she, the said Carrie Holden, acknowledged such instrument
to be her act and deed, and she declared that she had willingly signed the same for the purposes and considera-
tion therein expressed, and that she did not wish to retract it.

WITNESS my hand and seal of office, this 18th. day of December, A. D. 1902.

C. W. Hahl

Notary Public,

Harris Co., Texas.

STATE OF TEXAS, }
COUNTY OF Harris } ss. I, E. J. Dupree Clerk
of the County Court of said County, do hereby certify that the above instrument of writing, dated on the
18th day of December 1902, with its Certificate of Authentica-
tion, was filed for record in my office, on the 2d day of January 1902
at 8³⁰ o'clock a M., and duly recorded the 23d day of January 1902
at 1³⁰ o'clock p M., in the Records of said County, in Volume 134, on Pages No. 384

WITNESS my hand and the seal of the County Court of said County, at office in

Houston the day and year last above written.

E. J. Dupree Clerk,

County Court Harris County, Texas.

By J. L. Dickson Deputy.

38315

38315

17651

8

Amended
WARRANTY DEED.

W. M. Holden, &

Carrie Holden.

TO

J. F. Scannell.

Filed for Record

at Jan 2 1907,
830 o'clock a M., and Recorded

1907, in

134
384 County,

Record of

Book

Page

E. F. Lupper Clerk.
R. A. Curry Deputy.

J. F. Scannell
125 Smith Street
Tex

Transfer

Filed Oct 20, 1916

J. Robinson
Clerk

THE STATE OF TEXAS

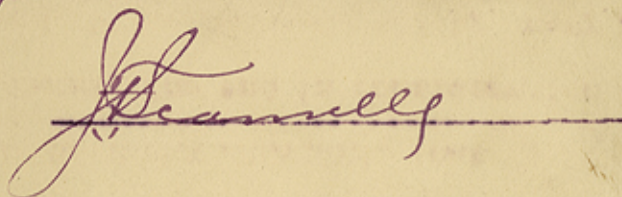
COUNTY OF BASTROP.

KNOW ALL MEN BY THESE PRESENTS, that I, J.F. Scannell of said Bastrop County, Texas, for and in consideration of the sum of one thousand dollars cash to me in hand paid by Mary E. Scannell also of said Bastrop County, out of her own separate estate, the receipt of which is hereby acknowledged, have this day BARGAINED, SOLD, GRANTED and CONVEYED, and do by these presents BARGAIN, SELL, GRANT and CONVEY unto the said Mary E. Scannell all that certain tract or parcel of land lying in Harris County, State of Texas, containing 160 acres and being the same patented to W.M. Holden by patent No. 107, Vol. 22, and more particularly described by metes and bounds as follows: about 17 miles N 43 W from the County site; Beginning at the N.E. corner of the G.W. Eaton Survey, a P.O. stake in the prairie; Thence North, 601 varas to a stake in prairie for corner; on the South line of the W.H. York; Thence West 1081 varas along the South line of the York to its S.W. corner, a stake in the East line of the M. James Survey; Thence South 186 varas to the S.E. corner of the James; Thence West along the South line of the James 613 varas to a stake for corner; Thence South 415 varas to a stake in the North line of said Eaton Survey; Thence East with same 1694 varas to the place of beginning.

TO HAVE AND TO HOLD, the said tract of land together with all and singular the rights, tenements, hereditaments and appurtenances unto the same appertaining, belonging or in any wise incident, unto the said Mary E. Scannell to her sole and separate use, and to her heirs and assigns, forever.

And I do by these presents bind myself, my heirs, executors and administrators to WARRANT and FOREVER DEFEND the title to the said tract of land unto the said Mary E. Scannell, her heirs and assigns, against the claim or claims of any person or persons, whomsoever, lawfully claiming or to claim the same or any part thereof.

WITNESS my hand, this the 9th day of February A.D. 1904.



The State of Texas

County of Bastrop.

Before me, J.H. Miley, a Notary Public in and for Bastrop County, Texas, on this day personally appeared J.F. Scannell,

15665

THE STATE OF TEXAS,
County of Bastrop.
Know all men by these presents, that I, J. F.
Scannell of said Bastrop County, Texas, for and in consideration of
the sum of one thousand dollars cash to me in hand paid by Mary E.
Scannell also of said Bastrop County, out of her own separate estate,
the receipt of which is hereby acknowledged, have this day BARGAINED,
SOLD, GRANTED and CONVEYED, and do by these presents BARGAIN, SELL,
GRANT and CONVEY unto the said Mary E. Scannell all that certain tract
or parcel of land lying in Harris County, State of Texas, containing
100 acres and being the same patented to W. M. Holden by patent No. 107,
Vol. 32, and more particularly described by metes and bounds as follows:
about 17 miles N 43 W from the County site; Beginning at the N. E.
corner of the G. W. Eaton Survey, a 100 stake in the prairie; Thence
North, 801 varies to a stake in prairie for corner; on the South line of
the W. H. York; Thence West 1081 varies along the South line of the York
to its S. E. corner, a stake in the East line of the E. James Survey;
Thence South 186 varies to the S. E. corner of the James; Thence West
along the South line of the James 612 varies to a stake for corner;
Thence South 415 varies to a stake in the North line of said Eaton
Survey; Thence East with same 1084 varies to the place of beginning.
TO HAVE AND TO HOLD, the said tract of land together with all and
singular the rights, tenements, hereditaments and appurtenances unto
the same appertaining, belonging or in any wise incident, unto the said
Mary E. Scannell to her sole and separate use, and to her heirs and
assigns, forever.
And I do by these presents bind myself, my heirs, executors and
administrators to WARRANT and DEFEND the title to the said
tract of land unto the said Mary E. Scannell, her heirs and assigns,
against the claim or claims of any person or persons, whatsoever,
lawfully claiming or to claim the same or any part thereof.
WITNESS my hand, this the 4th day of February A. D. 1904.

The State of Texas,
County of Bastrop.
Before me, J. H. Milroy, a Notary Public in and for
Bastrop County, Texas, on this day personally appeared J. F. Scannell,

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this
the 9th day of February A.D. 1904.

J. H. Miley
Notary Public, Bastrop County, Texas.

STATE OF TEXAS, }
COUNTY OF HARRIS, }

L. E. F. DUPREE, Clerk of the County Court of Harris

County, Texas, do hereby certify that the within instrument with its certificate of authentication, was filed
for record in my office on March 4, 1904, at 9³⁰ o'clock A M.,
and duly recorded on March 7, 1904, at 1⁵⁵ o'clock P M.,
Vol. 162 Page 243 of Record of Deeds for said County.

Witness my hand and seal of office, at Houston, this 7 day of March,

E. F. Dupree
Clerk County Court, Harris County, Texas.

By J. H. Sibley Deputy

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this
the 24 day of February A.D. 1904.

Notary Public, Bastrop County, Texas.

L. E. GUNTER, Clerk of the County Court of Bastrop

County, Texas, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County Court of Bastrop County, Texas.

At my office, Bastrop, Texas, this 24 day of February, 1904.

At my office, Bastrop, Texas, this 24 day of February, 1904.

At my office, Bastrop, Texas, this 24 day of February, 1904.

At my office, Bastrop, Texas, this 24 day of February, 1904.

At my office, Bastrop, Texas, this 24 day of February, 1904.

At my office, Bastrop, Texas, this 24 day of February, 1904.

At my office, Bastrop, Texas, this 24 day of February, 1904.

156675
156675

57651 9

Transfer

Filed Oct 20, 1916,

J. Robinson

Can?

21

55869

J. Seannell
To } seed
}

Mary E. Seannell

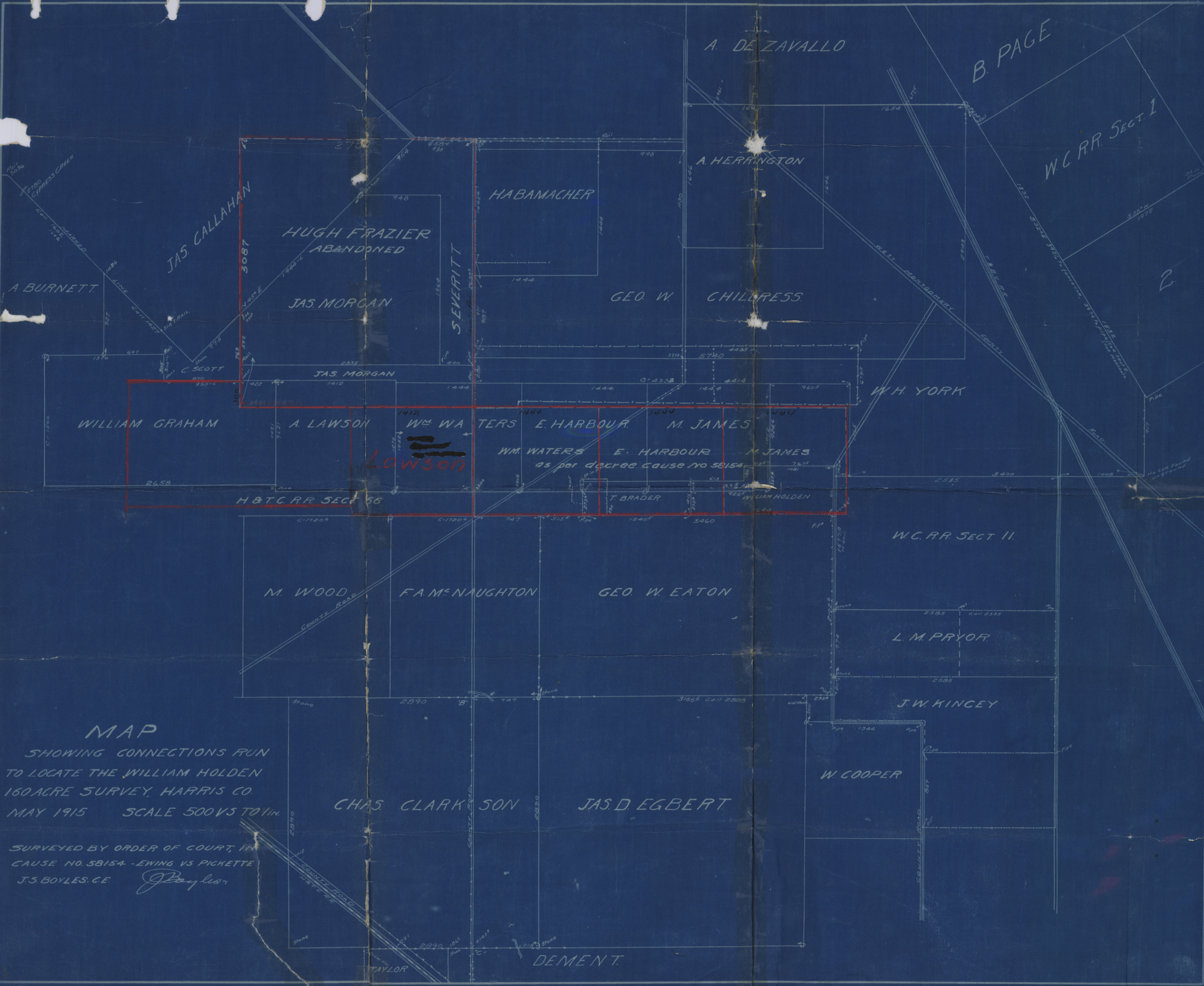
RECORDED,
COMPARED,
AND INDEXED,

E. F. DUPRE
COUNT CLERK

162/243

FILED FOR RECORD,	
At 9:30	o'clock A M.
MAR 1 1904	
E. F. Dupre	
Clerk County Court, Harris Co., Texas.	
By B. J. Witt	Deputy.

J. F. Seannell
c/o Mahancke Hotel
San Antonio



MAP

SHOWING CONNECTIONS RUN
TO LOCATE THE WILLIAM HOLDEN
160 ACRE SURVEY, HARRIS CO
MAY 1915 SCALE 500 VS TO 1 IN.

SURVEYED BY ORDER OF COURT, IN
CAUSE NO. 58154 - EWING VS PICKETTE
J.S. BOYLES, C.E. *J. Boyles*

57657

Surveyor's Sketch
and Explanation

Filed Oct 20, 1916

J. H. Robison

Com

5'

cole & cole.

Surveyor's Sketch
and Explanation

27

GENERAL LAND OFFICE

STATE OF TEXAS.

CHARLES ROGAN, Commissioner.
J. J. TERRELL, Chief Clerk.

AUSTIN

II/13/1901.

Mr. W. M. Holden,
Fairbanks, Texas.

Dear Sir:--In the matter of your application to purchase Survey No. --, Blk. --, 160 acres, surveyed for you under the act of 1900, I am herewith returning said application for the reason that it does not call for the correct date of survey of this land, according to the field notes on file here. The field notes on file here state same to have been made July 23, 1900. Make corrections and forward to this office. And further, it appears you have remitted patent fee of \$5.00 to the office of State Treasurer, which should have been remitted to this office, and you are requested if this be the case to instruct Hon. J. W. Robbins, State Treasurer, to refer same to this office. I am enclosing you a copy of the Act of 1900 marked which you will please refer to Mr. Tony Brader or his assignees in regard to his tract of land jyst West of yours. Please act promptly in the matters of furnishing corrections as we desire to make disposition of the claim under the act of 1900, and when corresponding with this office in regard hereto please refer to School File No. 651 Harris County.

Very respectfully,

S.F.No. 651, Harris Co.

Hu tchins.

Commissioner.

Note--All payments for School and Asylum Lands must be made to the State Treasurer, and not be sent to this office.

GENERAL LAND OFFICE

STATE OF TEXAS.

CHARLES ROCKWELL, Commissioner.
J. A. TERRELL, Chief Clerk.

AUSTIN
11/13/1901.

617

W. M. Holden,

Wichita, Kansas, Texas.

Dear Sir:--In the matter of your application to purchase survey
No. 116, 160 acres, surveyed for you under the act of 1900, I am
herewith returning said application for the reason that it does
not call for the correct date of survey of this land, according to the
field notes on file here. The field notes on file here state same
to have been made July 23, 1900. Make corrections and forward to this
office. And further, it appears you have remitted patent fee of \$5.00
to the office of State Treasurer, which should have been remitted to this
office, and you are requested to call on the State Treasurer's
Hobbs, State Treasurer, to refer same to this office. I am enclosing
you a copy of the Act of 1900 marked which you will please refer to Mr.
Tony Brader or his assignees in regard to his tract of land just west of
your. Please act promptly in the matter of furnishing corrections.
as we desire to make disposition of the claim under the act of 1900, and
when corresponding with this office in regard hereto please refer to School
file No. 551 Harris County.

Very respectfully,

J. P. No. 551, Harris Co.

In witness,

Commissioner.

Note--All payments for School and highway lands must be made to the State Treasurer, and not to this office.

58651

General Land Office

State of Texas

CHARLES ROGAN, Commissioner
J. J. TERRELL, Chief Clerk.

Austin, 9/30/1901.

Messrs. C. W. Hahl & Co.,
Houston, Texas.

Gentlemen:--Replying to your letter of the 16th inst: In the matter of W. M. Holden's application under act of 1900, School File No. 651, Harris County, beg to state this 160 acre survey has been classified as per my notice of 8/29/01, viz., Grazing and valued at \$3.00 per acre and the land being detached, under the Act of 1900, have no course in the mode of sale other than is prescribed by said act, which requires detached tracts of less than 640 acres to be sold for cash. Further: Our examination shows this survey to cover the Tony Brader P. 64, and should it not do so, a certified sketch should be furnished, showing the connection on the ground, surrounding surveys, etc. When corresponding in regard to this matter refer to School File No. 651, Harris County.

Very respectfully,

S. F. No. 651, Harris Co.
Hutchins.

Commissioner.

657

JAMES ROGAN, Commissioner
of the Land Office,
TERRILL, CHAS. CHAS.

State of Iowa

General Land Office

SP 651

GENERAL LAND OFFICE,
STATE OF TEXAS,

AUSTIN.

8/31/01

CHARLES ROGAN, COMMISSIONER.
J. J. TERRELL, CHIEF CLERK.

-----S.F. 651 Harris-----

Mr. W.M. Holden,
Fairbanks, Texas.

Dear sir, ---Referring to my notice of yesterday in the matter of the above file: This claim is on Harris Pre-emption #64, Tony Brader, of which pre-emption we have no proof of abandonment or occupancy. This pre-emption will have to be cleared out the way before a sale of this land can be made to you. If the same has been abandoned you should send in an affidavit signed by three resident, creditable, disinterested citizens of the County in which this land is located setting up the fact that neither the pre-emptor nor any one claiming under him occupied the land for three consecutive years from the date of pre-empting. Should it happen, however, that the required time of occupancy has been complied with the pre-emption cannot be disturbed and your claim will have to stand rejected in that event. This matter was overlooked when writing you yesterday.

Very respectfully,

Mac Inerney

Commissioner.

GENERAL LAND OFFICE

STATE OF TEXAS

AUSTIN
8/21/01

CHARLES S. ROGAN, COMMISSIONER
J. J. TERRELL, CHIEF CLERK

-----E. F. 681 Harris-----

Mr. W. M. Holden,
Fairbanks, Texas.

Dear sir,---Referring to my notice of yesterday in the matter of the above title; This claim is on Harris Pre-emption Act, Tony Brader, of which pre-emption we have no proof of abandonment or occupancy. This pre-emption will have to be cleared out the way before a sale of this land can be made to you. If the same has been abandoned you should send in an affidavit signed by three resident, credible, disinterested citizens of the County in which this land is located setting up the fact that neither the pre-emptor nor any one claiming under him occupied the land for three consecutive years from the date of pre-empting. Should it happen, however, that the required time of occupancy has been complied with the pre-emption cannot be disturbed and your claim will have to stand rejected in that event. This matter was overlooked when writing you yesterday.

Very respectfully,

Commissioner.

SF 651

General Land Office,

State of Texas. Austin,

8/29/01

Mr W. M. Holden,

Fairbanks, Texas.

Your application for a survey of a tract of land in COLLEMAN county, filed with the surveyor of said county on the 23rd day of July 1900, together with the field notes as made by him have been examined and approved.

The land has been classified as Grazing and valued at \$ 3.00 per acre, and being isolated and detached, must be sold as such. (See Section 5 of the Act approved February 23, 1900).

Enclosed herewith is a blank on which you will make your application to purchase the same. To avoid delays, mistakes and correspondence you are urged to fill every blank space. Under the law, you will have sixty days from this date within which you are required to file your application in this office. At the time you forward your application here you must at the same time remit to the State Treasurer, Hon. John W. Robbins, Austin, Texas, the sum of \$ 480.00 and also a patent fee of \$ 5.00 to this office. Both of these remittances should be made by draft or post office money order.

In writing about this matter, please refer to File No. 651 Harris Co.

Yours respectfully,

Charles Rogan

File _____.

Commissioner.

651 Harris Co.

Mac Inerney

Copy To Hon. Jno. W. Robbins,

This is for your information

United States

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Washington, D.C.

1900

My dear Sir:

Very much interested

Your application for a survey of a tract of land

containing the survey of said land on the

1900, together with the following

and valued at \$100.00

The land has been classified as

per acre, and being isolated and detached, must be sold as such. (See Sec-

tion 5 of the Act approved February 28, 1900)

Enclosed herewith is a blank on which you will make your application

to purchase the same. To avoid delay, mistakes and correspondence you are

requested to fill every blank space. Under the law, you will have thirty days

from this date within which you are required to file your application in

this office. At the time you forward your application here you must also

send some receipt to the State Treasurer, Hon. John W. Robinson, Austin, Texas,

the sum of \$100.00 and also a patent fee of \$2.00. To this office

of the land is being sold by public sale on the 10th day of

In writing about your matter, please refer to this No.

Yours respectfully,

Very truly yours,
Commissioner

Commissioner

Harvey C. Co.

1900

1900

1900

SF 651

General Land Office

State of Texas

CHARLES ROGAN, Commissioner
J. J. TERRELL, Chief Clerk.

Austin,

8/7/1901.

County Surveyor, Harris County,
Houston, Texas.

Dear Sir:--Mr. W. M. Holden's application to the County Surveyor of Harris County, covering the survey of a tract of land under the act of 1900, together with the field notes rendered in accordance therewith, calling for survey No. -, Block-, 160 acres, has been received, examined and action in the matter suspended for the following corrections and information: The County Surveyor should furnish a certified sketch showing how the lines and corners of all the adjacent surveys were identified. This information should ~~sent~~ be sent immediately, and when corresponding with this office in regard to the matter hereto please refer to School File No. 651, Harris County.

Very respectfully,

S.F. No. 651, Harris Co.
Hutchins.

Charles Rogan
Commissioner.

Mr. W. M. Holden, Fairbanks, Texas.

For your information: (Carbon Copy).

General Land Office

State of Texas

CHARLES ROGAN, Commissioner
L. J. TERRELL, Chief Clerk

⑪
F-156

156

Austin

October 1887

Wm. W. Wadsworth, Harris County,

Houston, Texas.

Dear Sir:—Your letter of the 10th inst. is received. The same is forwarded to the proper authorities for their consideration. The same is also forwarded to the proper authorities for their consideration.

The same is also forwarded to the proper authorities for their consideration. The same is also forwarded to the proper authorities for their consideration. The same is also forwarded to the proper authorities for their consideration.

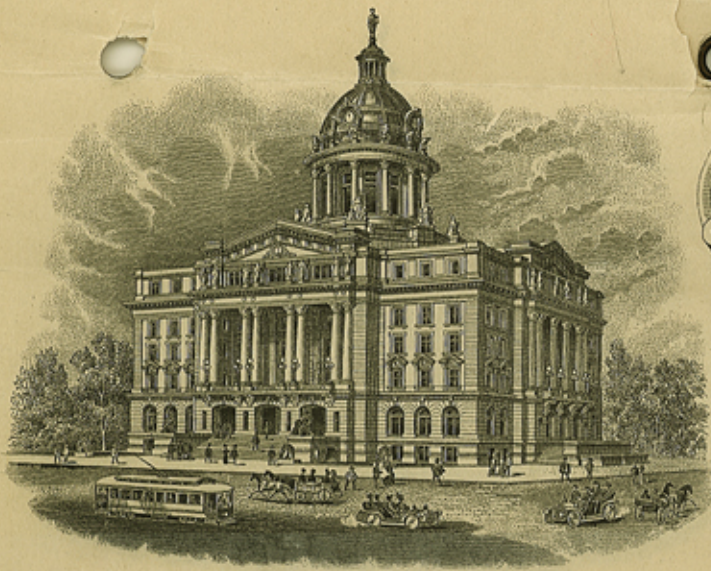
Very respectfully,

L. J. TERRELL, Chief Clerk.

Charles Rogan, Commissioner

Wm. W. Wadsworth, Harris County,

Houston, Texas.



THE LAMSON CO. HONOLULU, HAWAII

TELEPHONES
BRANCH EXCHANGE: PR 4052
RESIDENCE: PRESTON 5595

OFFICE OF
J. STUART BOYLES
COUNTY SURVEYOR
SAM'L E. PACKARD
DEPUTY
PHONE PRES. 5583

Houston, Texas, 8/22/16.

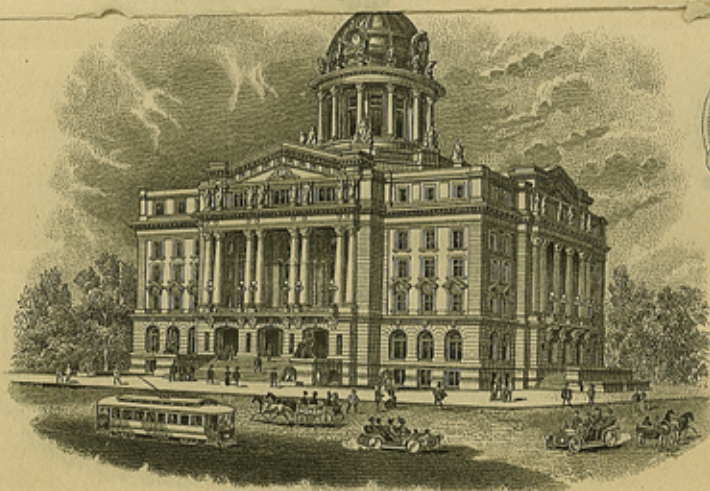
Messrs. Cole and Cole, Attys.,
Houston, Texas.

Gentlemen:-

In compliance with your request that I submit you information relative to the suit styled Ewing et al. VS Pickett et al. Cause No. 58154, and Judge Masterson's decree in the said case in order that you may take the same up with the Commissioner of the General Land Office for refund on the William Holden survey which was entirely wiped out as a result of the decree in the said case as rendered by Judge Masterson.

I was appointed by the Court to make a survey of the entire country surrounding the said William Holden Survey and to report to the Court as to my findings, that is actual locations on the ground and correct locations for the adjoining surveys.

With out going into details except as to the decree, will advise that the Judge in making his decree based the location of the Madison James, Vickery or Harbour, and Waters Surveys on two very logical points. First, that the entire string of surveys, to-wit, W. Graham, A. Lawson, Waters, Harbour and James Surveys should be located on the ground with reference to the Hugh Frazier Survey, abandoned, and Second that the Waters, Harbour and James surveys should have for their south lines the north lines of the Geo. W. Eaton and F. McNaughton Surveys as



RESIDENCE: PRESTON 5595

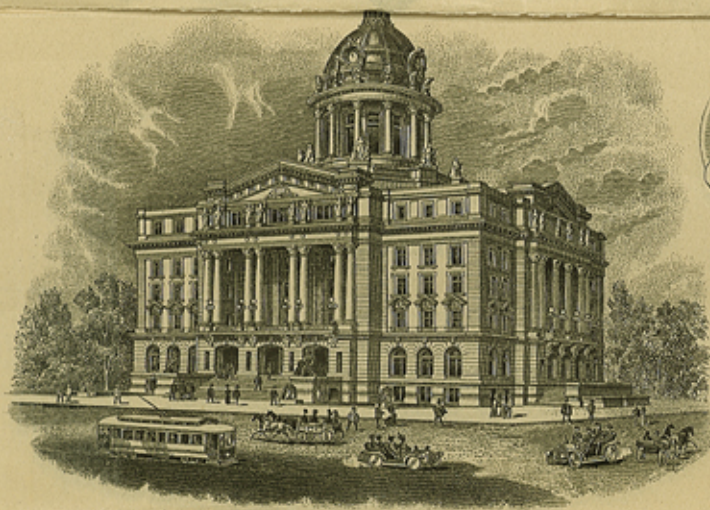
OFFICE OF
J. STUART BOYLES
COUNTY SURVEYOR
SAM'L E. PACKARD
DEPUTY
PHONE PRES. 5503

Houston, Texas.

the three first mentioned surveys call to begin on the said north line of the said Eaton and McNaughton surveys.

To substantiate the first fact.

The Wm. Graham calls for the southwest corner of the H. Frazier, also for the south and west lines of the same, and while it called to begin on the south line of the A. Burnett, the Burnett was at a date subsequent resurveyed and patented on the re-survey notes, and therefore making the Graham a senior survey to the Burnett, and as the calls of the Graham were never corrected or separated from the Frazier it is a matter of law and common sense, that if the Frazier could or can be located so as to determine the southwest corner of the same you would have a definite starting point for the Graham. Now the Frazier calls for certain creek crossing which the preponderance of evidence in the trial of this suit show can be identified on the ground to-day, and also in view of the fact that when the Frazier survey was floated, that portion of the Frazier which was not in conflict with the James Callahan Survey was covered by two surveys in the name of James Morgan and one survey in the name of Saml. Everett, and the northeast corner of the Everitt is the same corner as was the northeast corner of the abandoned Frazier, and the evidence in the trial of this case showed or proved that this corner would fit the cree crossings of the Frazier at its, the Frazier's northwest corner.



RESIDENCE: PRESTON 5585



OFFICE OF
J. STUART BOYLES
COUNTY SURVEYOR
SAM'L E. PACKARD
DEPUTY
PHONE PRES. 5583

Houston, Texas.

The Frazier now having been established on the ground, and the Graham having been located from the same according to its field notes, we come to the A. Lawson which begins at the northeast corner of the Wm. Graham, on the south line of the Frazier, and runs east 1412 varas to the south east corner of the said Frazier, and the total call distance for the Graham and for the Lawson along the south line of the Frazier being coincident with the call for the Frazier and calling as they do for the Southwest and southeast corners, respectively, of the Frazier would fix their positions with relation to the said Frazier absolutely.

The Waters comes next and calls to begin at Lawson S.E. Corner on the north line of the McNaughton; then comes the Vickery or Harbour, which begins at Waters southeast corner on the North line of the Eaton, and then comes the James which begins at Vickery S.E. corner on the north line of the Eaton, all three of these surveys call for the north line of the Eaton or McNaughton as being their south lines and would be governed for south position on the north line of the said Eaton, and in addition, by taking the present northeast corner of the Saml. Everitt, which is also the north east corner of the abandoned Hugh Frazier, and running due south to the north line of the Eaton and McNaughton we find that on the ground today there exists actually only enough distance to take up the call of 2700 varas for the Frazier and 1252 for the Waters. This would prove as was
a² the testimony in the trial of the case under discussion, that the Waters

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RESIDENCE: PRESTON 5595

OFFICE OF
J. STUART BOYLES
COUNTY SURVEYORSAM'L E. PACKARD
DEPUTY

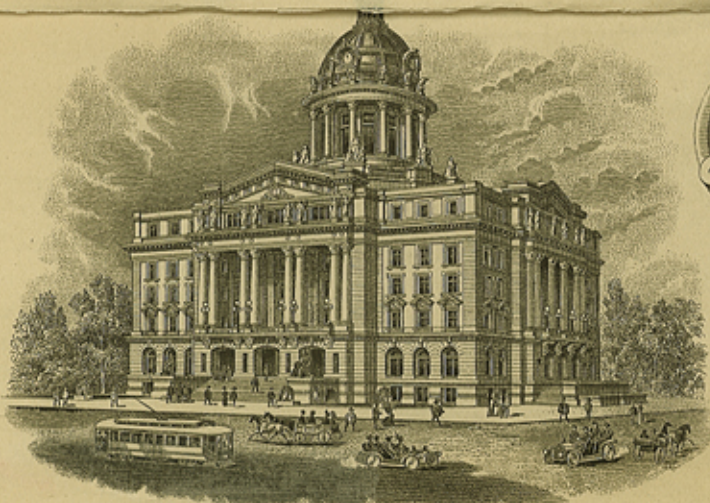
PHONE PRES. 5583

Houston, Texas.

,Harbour and James were located with reference to the Hugh Frazier and ## its relative position to the Eaton and McNaughton north line.

With such evidence before the Judge he made his decree accordingly and placed the surveys where they should be and where they call to be, and by so doing he wipes out the Tony Brader, the William Holden, and a large part of H. & T.C.R.R. Sect. NO. 56, which should never have been located on the ground as they were at the time of their location placed in conflict with senior surveys.

You ask that I locate for you the James from the decree, being familiar with the testimony of the case and the decree will advise as follows:-in making decree the Judge places the southeast corner of the James 4129 varas west from the Montgomery Road, and gives the bearing of a water tank on the T.B.V.R.R., and in this connection will advise that when he says west of the Montgomery Road, knowing that the southeast corner is on the north line of the Eaton, he very definitely means to begin at a point on the West Montgomery road due east of the northeast corner of the Geo. W. Eaton, and when he says North 6588 varas from White Oak Bayou he very definitely means to begin on White Oak Bayou at a point due south of the Northeast corner of the Geo. W. Eaton, and while I did not supply him with the field notes of his decree, I do know that he intended to make his location definite with reference to the Northeast corner of # the Eaton, and that the James should be located on the ground and have



RESIDENCE: PRESTON 5595



OFFICE OF
J. STUART BOYLES
COUNTY SURVEYOR
SAM'L E. PACKARD
DEPUTY
PHONE PRES. 5583

Houston, Texas.

its south line on the north line of the Eaton, and should be in such a position east and west as its location from the Hugh Frazier would place it actually on the ground.

In this connection I believe that if you were to submit to Mr. Robison the evidence in the trial of the case, and showing the streets that was laid upon the north line of the Eaton and the location of the Frazier he would have no trouble in identifying the location of the James and the Harbour as set forth in the decree.

I am attaching hereto the original map that was submitted to the court in making my report, and have shown on the same the location of the surveys in question from the facts on the ground and the location of the same with reference to the Frazier and according to the Decree of Court in the said case, which I have marked out in red.

Trusting that with these facts before you, you can take the matter up and explain to the Commissioner of the General Land Office the actual conditions to his satisfaction, and I assure you that from what I know of Mr. Robison you will find him exceptionally fair and capable.

Respectfully,

J. Stuart Boyles
County Surveyor, Harris County.



OFFICE OF
J. STUART BOYLES
COUNTY SURVEYOR
SAMUEL E. PACKARD
DEPUTY
HOUSTON, TEXAS

Houston, Texas

its south line on the north line of the tract, and should be in such a position east and west as its location from the Bush Tractier would place it actually on the ground.

In this connection I believe that if you were to submit to Mr. Robinson the evidence in the trial of the case, and showing the stress that was laid upon the north line of the tract and the location of the Tractier he would have no trouble in identifying the location of the James and the Harbour as set forth in the decree.

I am attaching hereto the original map that was submitted to the court in making my report, and have shown on the same the location of the survey in question from the facts on the ground and the location of the same with reference to the Tractier and according to the facts.

Trusting that with these facts before you, you can take the matter up and explain to the Commissioner of the General Land Office the actual conditions to his satisfaction, and I assure you that from what I know of Mr. Robinson you will find him exceptionally fair and capable.

Respectfully,

Samuel E. Packard
County Surveyor, Harris County.

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5.7.51



General Land Office,

State of Texas.

Austin.

J.T. ROBISON, COMMISSIONER.
J.H. WALKER, CHIEF CLERK.

June 15, 1916.

Hon. B. D. Tarleton,
University,
Austin, Texas.
Dear Judge:

Relative to the J. F. Scannell tract of land in Harris County which was purchased from the State by W. M. Holden and about which you have called at this department several times will say some days ago I received from Mr. Scannell the testimony that was given in the case concerning the boundary of the Madison James tract for which Thos. W. Ewing sued Mr. Scannell and others. After having read every word of this testimony I am at a loss to know what was really determined in the suit. In reading the petition it seemed the plaintiff sued for the James survey according to the patented field notes but alleged that it was more particularly located on the ground 6588 varas north of White Oak Bayou and 4129 varas west of the Montgomery road, and testimony was given that it was so located. Such calls for a location could best be no more than descriptive and could in no legal sense be locative without some more definiteness in the point of beginning on the Bayou and road.

The testimony of one surveyor was to the effect (upon a certain assumption) that the lines of the York and James surveys would come together but that he found 960 varas between them. If those lines should join of course there would be no vacancy for the Holden survey and the judgment would have been proper. However, then the judgment should have found that the plaintiff's land covered the land claimed by the defendants, but instead of that the judgment simply ascribed the James survey just as it is called in the patent, though it added that the land was more definitely located on the ground 6588 varas north of White Oak Bayou and 4129 varas west from the Montgomery public road. Even that added description is too indefinite to become a locative call without some point - certain fixed - at which it could be known where to begin. That addition to the location contains nothing from which it may even

STATE OF OHIO

135F 651



General Land Office.

State of Texas.

Austin.

J.T. ROBISON, COMMISSIONER.
J.H. WALKER, CHIEF CLERK.

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be inferred that the Holden land is within those limits from the Bayout and Road.

Again, one surveyor - upon a certain assumption - says the York line will come to the James survey. If that should be true it does not give the owner of the James the right to have those surveys between the James and York set aside for the reason the plaintiff was suing for the James and not for the land that might be covered by the York. The James survey being older than the York it could not be moved toward the York but the York might be pulled toward the James and in that event the owner of the James could not complain of the Holden which lies between them. The James may control the location of the York but the York can have no bearing on the proper location of the James. White Oak Bayou and the Montgomery Road can have no effect upon the location of the James for the reason the James field notes and patent make no mention of those objects.

No sheriff could take the judgment and from that place the owner of the James in possession of that survey. If the James survey covers the Holden the Court should have so found and have cancelled its patent instead of simply rendering a blanket judgment against Mr. Scannell, which judgment could have just as well been rendered if the evidence had showed there was no conflict between the James and Holden surveys for the reason if there were no conflict then the owner of the James would have been entitled to a vacancy of the James because of non-conflict.

It seems to me this case is almost a parallel of the Jones vs. Andrews case in the 72 Texas page 5 and that a writ of error would set the judgment aside.

Yours truly,

Commissioner.

Robison/hm



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be inferred that the Holden land is within those limits from the layout and road.

Again, one surveyor - upon a certain assumption - says the York line will come to the James survey. If that should be true it does not give the owner of the land any right to the Holden land. The plaintiff was suing for the land and not for the land that might be covered by the York. The James survey being older than the York it could not be moved toward the York but the York might be pulled toward the James and in consequence the corner of the James could not complain of the Holden which lies between them. The James may control the location of the York but the York can have no bearing on the proper location of the James. What Oak Bayou and the Montgomery road can have no effect upon the location of the James for the reason the James field notes and plat make no mention of those objects.

No sheriff could take the judgment and from that place the owner of the James in possession of that survey. If the James survey covers the Holden the Court should have so found and have cancelled its patent instead of simply rendering a blank judgment against R. Bonnell, which judgment could have just as well been rendered if the evidence had shown there was no conflict between the James and Holden surveys. The James would have been entitled to a vacancy of the James because of non-conflict.

It seems to me this case is almost a parallel of the Jones vs. Andrews case in the 73 Texas page 5 and that a writ of error would set the judgment aside.

Yours truly,

Commissioner.

Robinson/pm

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S.F. 1651

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